

REMARKS

This is in response to the Office action dated January 14, 2004. By said Action, claims 71 and 72 were rejected under 35 U.S.C. 112 as containing subject matter not sufficiently described in the specification at the time of filing. Specifically, the examiner objected to the term “non-aggregated”. While concurring that such “non-aggregated” feature was inherent from Applicant’s application as filed, the Examiner maintained it was not sufficiently disclosed in the application.

Applicant continues to traverse the examiner’s conclusions, as follows:

Support for “non-aggregated” is found in the Examples section, reciting in numerous location that cells were trypsinized, centrifuged (pelleted) and then resuspended, inherently *resulting in the cells being non-aggregated and in suspension*.

The Examiner’s attention is also directed to page 45, further describing the procedure:

Group 4: Heparanase was adhered to B16-F1 cells: 3×10^6 cells were plated in 8 ml of antibiotic free DMEM supplemented with 10 % FCS. Following 24 hours of incubation, 80 μg of recombinant heparanase from baculovirus (final concentration of 10 $\mu\text{g}/\text{ml}$) were added to the cell culture, and incubated for 2 hours at 37 °C. The plates were then washed twice with PBS, harvested by very short trypsinization, washed with PBS, and resuspended in PBS at 2.5×10^5 cells/ml (total of 10^6 in 4 ml for 10 mice). Aliquots were prepared: 2 x 1.5 ml, 1 x 1 ml in 2 ml screw cap tubes. (Emphasis added).

While Applicant strenuously contends that support for such recitation is found in the application, Applicant has, in order to expedite the allowance and issuance of the application, amended claim 71 to delete reference to the cells as being “non-aggregated” in claim 71. Applicant advised the Examiner of the Action he was proposing to take during the telephone interview of February 17, 2004.

Applicant wants to make it abundantly clear that the above claims do not, and cannot be read or defined to encompass on any form of human life, which is a multicellular organism, and that no such interpretation can, or would, be made.

In view of the above amendment to Claim 71, the allowance thereof, along with dependent Claim 72 is deemed to be in order, and such action is respectfully requested. The Examiner is invited to call the undersigned at (703) 415-1581 to resolve any unresolved matters.

This is further in response to the Office action dated March 29, 2004. By said Action, the claim amendment previously filed February 20 was not entered since it did not itemize previously canceled claim 73. By this response, said error is rectified.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sol Sheinbein', with a long horizontal flourish extending to the right.

Sol Sheinbein
Registration No. 25,457

Date: April 4, 2004